IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 35659 of 2007(T)

OS.500/2004 of I ADDL.SUB COURT,ERNAKULAM

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PETITIONER:

M/S HONGKONG AND SHANGHAI BANKING CORPORATION LTD., PULICKAL ESTATE, M.G.ROAD, KOCHI-16, REP. BY ITS PRINCIPAL OFFICER, SHRI. JONES JOSEPH, AGED 28, S/O K.J.JOSEPH.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SRI.E.M.MURUGAN

RESPONDENTS:

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1. **BELL LEASING & HIRE PURCHASE LTD., BHAGEERATHA SANTHWANA, CHITTOOR ROAD, COCHIN-18, REPRESENTED BY ITS POWER OF ATTORNEY HOLDER, C.K.VENKITESWARAN, AGED 50, S/O LATE KRISHNA IYER.**

2. **BABY P.VARGHESE, AGED 45, S/O PAULOSE VARGHESE, PALLATHITTAYIL HOUSE, MULAMTHURUTHY P.O.**

3. **ELDHO JOY, S/O JOY, KAKKANATTIL HOUSE, KALAPPOOR P.O., PIRAVOM.**

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

M.N. KRISHNAN, J.

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W.P.C. NO. 35659 OF 2007

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Dated this the 3rd day of December, 2007.

J U D G M E N T

This writ petition is filed seeking a direction to the 1st Addl. Sub Judge, Ernakulam to dispose of I.A.7079/07 in O.S.500/04 which is claim petition. It is submitted that the claim petitioner has got right over the property which is already attached and if the attachment continues it will adversely affect his right to proceed with the property and therefore the claim application is filed for establishing his right and for lifting the attachment.

2. It is submitted that the plaint has been rejected on 31.7.06. Ordinarily when a plaint is rejected the attachment has also to be terminated and information has to be given to the concerned Sub Registrar's office also about the lifting of the attachment. Therefore, if the plaint is rejected and the attachment is lifted the Court is directed to

inform the Sub Registrar's Office in that regard as expeditiously as possible.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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